

IN RE: PETITION FOR SPECIAL HEARING
N/S Eastern Avenue, 394' NE
of Simmons Avenue
(7224 Eastern Avenue)
12th Election District
7th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-322-SPH
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of the subject property for three buildings consisting of a two-story flower shop, a garage, and a greenhouse, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Frank H. Newell, III, Esquire. Also appearing on behalf of the Petition was Raymond S. Atkinson, former owner. There were no Protestants.

Testimony indicated that the subject property, known as 7224 Eastern Avenue, consists of two lots containing 0.128 acres more or less zoned R.O., and is improved with three buildings. Petitioners testified that the improvements on the one lot include a two-story frame building in which the first floor is used for the operation of Raymond's Florist and the second floor is used for residential purposes; to the rear of that structure is a one story building used as a greenhouse; and to the rear of the property is an existing two-car garage. Petitioners recently razed the one-story structure and propose constructing a new facility on the site. Testimony indicated the adjacent lot is used for parking only and provides more than the required number of parking spaces for the use proposed. The parking area also includes a 40-foot street easement for a paper street. The land on either side of the subject property is vacant

while the land to the rear of the site is improved with the Eastwood Elementary School.

Mr. Atkinson's testimony was very clear, concise and to the point. He testified he was employed part-time at the florist shop during the late 1930s and early 1940s during which time he helped build the one story building, which was used as a greenhouse facility for flower preparation and storage of supplies and equipment, and the garage. Mr. Atkinson testified he purchased the property in 1955 from Mr. & Mrs. E. Raymond Liedlich who had purchased the property in 1945 from a Mr. & Mrs. William H. Heinbuch. Mr. Atkinson testified he owned the property from 1955 until 1985 at which time he sold the property to Petitioners. Mr. Atkinson's testimony indicated the subject property has always been used as a florist shop, that all three buildings have existed there since the late 1930s and early 1940s, that the parking lot has always existed on the adjacent lot, and that there has been no change in the use of the property since the late 1930s.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr.

Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKenny v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1975 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. It is clear from the testimony and evidence presented that a lawful nonconforming use of the subject property as a flower shop, a garage and a greenhouse/flower workshop has existed since prior to the zoning regulations.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject

property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKenny v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978). It is clear the use of the subject property has not changed.

When the claimed non-conforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the non-conforming use, the Zoning Commissioner should consider the following factors:

(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;

(b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original non-conforming use."

It is clear from the testimony that the use of the subject property for a two-story building containing a florist shop on the first floor and residential uses on the second floor, a one-story greenhouse facility, and a two-car garage has been continuous and without interruption since prior to January 2, 1945, the effective date of the zoning regulations, and as such, is nonconforming. The proposed new greenhouse is a replacement of the old, nonconforming building. The new building will be smaller than the old one and will be permitted as a replacement structure.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of March, 1989 that the Petition for Special Hearing to approve the nonconforming use of the subject property for three buildings consisting of a two-story flower shop, a garage, and a greenhouse, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall comply with the requirements of the Office of Planning as set forth in their comments dated February 13, 1989, attached hereto and made a part hereof, which set forth in part the following:

"The special exception shall apply to the use of the property to conform with zoning or development regulations. The special exception shall not be binding upon the CRG relative to providing adequate setbacks, landscaping and buffering as outlined in the R.O. zone, or requirements as mandated through the development regulations" and,

"CRG review shall be required for any proposed construction on the site."

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner
Date: February 13, 1989

Pat Keller, Deputy Director
FROM: Office of Planning and Zoning

Gerard Simon
SUBJECT: Zoning Petition No. 89-322-SPH

The applicant is requesting a special hearing to provide a two-story flower shop, garage and greenhouse at 7224 Eastern Avenue. In reference to this request, staff provides the following information:

The petitioner's parcel is zoned R.O. One of the existing buildings on the site was removed on 7/30/88. The construction of a new building on this site would require CRG approval. There are several issues of concern at this time relevant to the proposed use of the property. The issues include:

- 1) Is the expansion of this use appropriate in an R.O. zone at this particular location?
- 2) The site design and layout of the parcel should be reviewed by all County agencies;
- 3) How many of the R.O. zone requirements regardless of use can be met by the applicant?
- 4) It appears that the proposed expansion represents an over-intensification of the site;
- 5) The 40 foot paper street easement needs to be reviewed and addressed by Public Works before any use expansion is considered.

The Office of Planning and Zoning is aware of the petitioner's desire to establish the use prior to obtaining development related review for this project. The granting of the use in conformance with the site plan, however, may effectively constrain zoning or development regulation requirements.

The special exception shall apply to the use of the property and the building and site plan as it is required to conform with zoning or development regulations. The special exception shall not be binding upon the CRG relative to providing adequate setbacks, landscaping and buffering as outlined in the R.O. zone, or requirements as mandated through the development regulations.

CRG review shall be required for any proposed construction on the site.

PK/sf

CPS-008

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 587-3333

J. Robert Haines
Zoning Commissioner

March 15, 1989

Frank H. Newell, III, Esquire
22 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
N/S Eastern Avenue, 394' NE of Simmons Avenue
(7224 Eastern Avenue)
12th Election District - 7th Councilmanic District
Gerard S. Simon, et ux - Petitioners
Case No. 89-322-SPH

Dear Mr. Newell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Mr. Raymond S. Atkinson
6917 Delvale Place, Baltimore, Md. 21222

People's Counsel

File

#203
PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-322-SPH
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a nonconforming use for No. 7224 Eastern Avenue, which property contains three (3) buildings, viz:

(1) a two-story flower shop, (2) garage and (3) greenhouse.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) Gerard Simon
Signature: Gerard S. Simon
Address: Kathleen Simon
City and State: Towson, Maryland
Attorney for Petitioner: Frank H. Nowell, III
Address: 7224 Eastern Avenue
City and State: Baltimore, Maryland
Attorney's Telephone No.: 823-6565

22 W. Pennsylvania Avenue
Towson, Maryland 21204
City and State: Towson, Maryland
Attorney's Telephone No.: 823-6565

ORDERED BY The Zoning Commissioner of Baltimore County, this 30th day of January, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of February, 1989, at 9 o'clock a.m.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1 (over)

EASTWOOD COMMUNITY CIVIC ASSOCIATION

7053 Baltimore Street
Baltimore, Md. 21224

February 10, 1989

Mr. Gerald Simon,
7224 Eastern Avenue
Baltimore, Md. 21224

Dear Mr. Simon,

It is my understanding that you have requested a non-conforming change to your property, which is located at 7224 Eastern Avenue. You are requesting this action because the residential-office zoning classification of your property does not permit you to add space for your flower shop. I have no reason to oppose your request since we would rather have your flower shop on the land instead of some other business, like a drive-in, fast food business located in our community.

I am,

Very truly yours,

Norbert Wilson,
Norbert Wilson, President
Eastwood Community Civic Association

NW/bw

PETITIONER'S
EXHIBIT 2

DESCRIPTION OF PROPERTY

BEGINNING FOR THE SAME on the Northwest side of Eastern Avenue, at the northeast corner of said avenue and an avenue 40 feet wide, North 69 degrees 15 minutes East 40 feet; thence North 20 degrees 45 minutes West parallel with said 40 foot avenue 140 feet; thence South 69 degrees 15 minutes West parallel with Eastern Avenue 40 feet to the aforesaid avenue 40 foot wide; thence South 20 degrees 45 minutes East 140 feet to the place of beginning.

The improvements thereon being known as No. 7224 Eastern Avenue.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12TH Date of Posting: 1/27/89
Posted for: Special Hearing
Petitioner: Gerard S. Simon, et ux
Location of property: 7224 Eastern Avenue, Towson, Maryland
Location of Sign: 7224 Eastern Avenue, Towson, Maryland
Remarks: 1/27/89
Posted by: J. Robert Haines
Number of Signs: 1

Towson, Md. 21204 RECEIVED OF 1-20-1989 No. 33998
FOR SUZANNE MENSCH, Clerk
By JH

4 day of July
at Building
under a duly
Law of the

ed Mortgage
by has been paid
Laura May
assigns all that
and Laura May

to Records to the said body corporate
Records of Baltimore County in Liber CBT
stration of said Mortgage
body corporate and the signature of

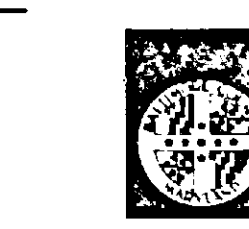
Signed sealed and delivered
In the presence of
Robert C McKee
By - C F Schardt
(Corporate Seal) Vice President
State of Maryland County of Baltimore to wit:
I Herby Certify that on this 2nd day of July 1945 before me the subscriber a
Notary Public of said State in and for the County aforesaid personally appeared
C F Schardt Vice-President of said body corporate and acknowledged the said
Deed of Release to be the act and deed of said body corporate
Witness my hand and Notarial Seal
(Notarial Seal) Robert C McKee Notary Public
Recorded July 10 1945 at 11:45 A M & 2nd per
Examiners (247) Robert J Spittel - Clerk (Rec 1P)
93470
William H Reinbuch & wife
Deed to
E Raymond Liedlich & wife
Fed \$25.00 State \$25.00
This Deed Made this 6th day of July in the
year one thousand nine hundred and forty-five
by William H Reinbuch and Margaret A Reinbuch his
wife
Witnesseth that in consideration of the sum
of Five Dollars (\$5.00) and other good and
valuable considerations receipt of which is hereby acknowledged the said William H

PETITIONER'S
EXHIBIT 2

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-5353

J. Robert Haines
Zoning Commissioner

Date: 1/20/89



Mr. & Mrs. Gerard Simon
7224 Eastern Avenue
Baltimore, Maryland 21224

Re: Petition for Zoning Variance
CASE NUMBER: 89-322-SPH
7224 Eastern Avenue
12th Election District - 7th Councilmanic
Petitioner(s): Gerard S. Simon, et ux
HEARING SCHEDULED: TUESDAY, FEBRUARY 14, 1989 at 9:00 a.m.

Dear Mr. & Mrs. Simon:

Please be advised that \$99.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 005773
DATE: 2/14/89 ACCOUNT: R-01-615-000
AMOUNT: \$ 99.00
RECEIVED FROM: Gerard Simon
FOR: PIA 2/14/89 Haines
B 013*****950618 89-322-SPH

post set(s), there each set not

89-322-SPH
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 30th day of November, 1988.

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee
Petitioner: Gerard Simon, et ux
Petitioner's Attorney: Frank H. Nowell, III Esquire

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 27, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 26, 1989.

THE JEFFERSONIAN,

Publisher

PO 09027
rg H 25200
case 89-322-SPH
price \$39.40

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

January 26, 1989

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. - Case #89-322-SPH - P.O. #09026 - Req. #M25201 - 90 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 27th day of January 1989; that is to say, the same was inserted in the issues of January 26, 1989

Kimbel Publication, Inc.
per Publisher.

By JCH

Baltimore County
Fire Department
Towson, Maryland 21204-2386
494-4500

Paul H. Reincke
Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Gerard S. Simon, et ux
NS/ Eastern Avenue 394' NE of Simmons Avenue
Location: 7224 Eastern Avenue
Item No.: 203 Zoning Agenda: Meeting of 11/29/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: Paul H. Reincke, Chief
Planning Group
Special Inspection Division
APPROVED: J. Robert Haines
Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner
Date: February 13, 1989
Pat Keller, Deputy Director
FROM: Office of Planning and Zoning
Gerard Simon
SUBJECT: Zoning Petition No. 89-322-SPH

Date: February 13, 1989

RECEIVED
FEB 13 1989

ZONING OFFICE

The applicant is requesting a special hearing to provide a two-story flower shop, garage and greenhouse at 7224 Eastern Avenue. In reference to this request, staff provides the following information:

- The petitioner's parcel is zoned R.O. One of the existing buildings on the site was removed on 7/30/88. The construction of a new building on this site would require CRG approval. There are several issues of concern at this time relevant to the proposed use of the property. The issues include:

- 1) is the expansion of this use appropriate in an R.O. zone at this particular location?;
- 2) the site design and layout of the parcel should be reviewed by all County agencies;
- 3) how many of the R.O. zone requirements regardless of use can be met by the applicant?;
- 4) it appears that the proposed expansion represents an over-intensification of the site;
- 5) the 40 foot paper street easement needs to be reviewed and addressed by Public Works before any use expansion is considered.

The Office of Planning and Zoning is aware of the petitioner's desire to establish the use prior to obtaining development related review for this project. The granting of the use in conformance with the site plan, however, may effectively constrain zoning or development regulation requirements.

- The special exception shall apply to the use of the property and the building and site plan as it is required to conform with zoning or development regulations. The special exception shall not be binding upon the CRG relative to providing adequate setbacks, landscaping and buffering as outlined in the R.O. zone, or requirements as mandated through the development regulations.
- CRG review shall be required for any proposed construction on the site.

PK/sf

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 3, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Frank H. Newell, III, Esquire
22 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 203, Case No. 89-322-SPH
Petitioner: Gerard Simon, et ux
Petition for Special Hearing

Dear Mr. Newell:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer / jw

JAMES E. DYER

Chairman

Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Gerard Simon
7224 Eastern Avenue
Baltimore, MD 21224



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

December 16, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County
Gerard S. Simon Property
Zoning Meeting
of 11-29-88
N/S Eastern Ave.
Maryland 150
394' East of Simmons Ave.
(Item #203)

Dear Mr. Haines:

After reviewing the submittal for a special hearing for nonconforming use for 7224 Eastern Avenue, we find the plan generally acceptable.

If you have any questions, please contact Larry Brocato of this office.

Very truly yours,

Gregory J. Mills, Jr., Chief
Bureau of Engineering
Access Permits

LB:maw

cc: Mr. J. Ogle

RECEIVED
DEC 21 1988

ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner
Date: February 23, 1989
Pat Keller, Deputy Director
FROM: Office of Planning and Zoning
Zoning Petition No. 89-322-SPH
SUBJECT: Gerard Simon - (Revised Comments)

Date: February 23, 1989

The Office of Planning has discussed the project with the petitioner. In light of the conditions on the site, staff would suggest that the following conditions be placed on the project:

- A landscape plan approved by the County Landscaping Planner shall be reviewed prior to approval of building permits.
- The use shall be strictly limited to the floral operation, storage and greenhouse operations of the facility and shall not be used for office space or retail space.

PK/sf

CPS-008

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

January 17, 1989



Dennis F. Rasmussen
County Executive

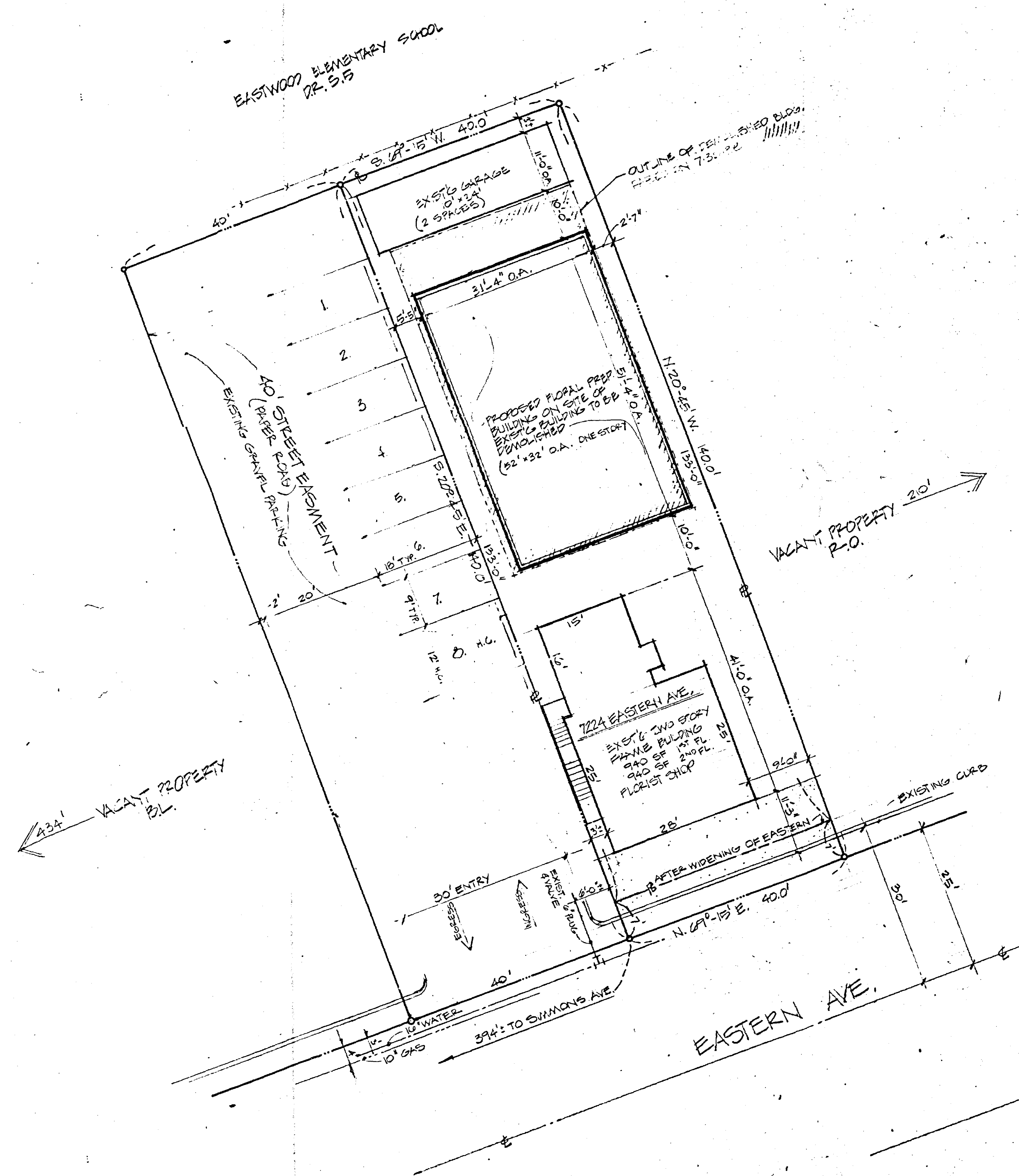
Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

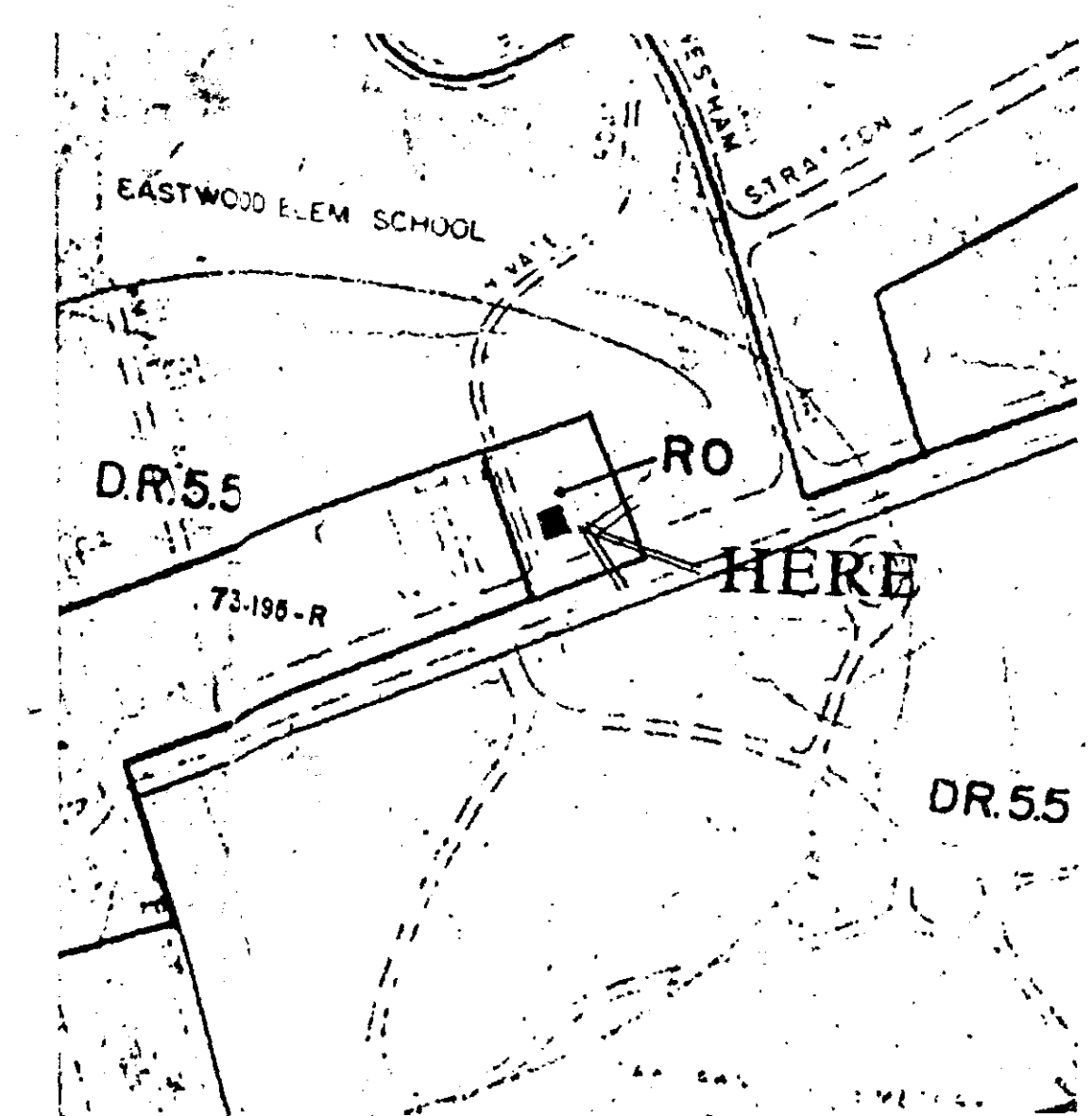
The Bureau of Traffic Engineering has no comments for item numbers 88, 186, 170, 193, 195, 197, 198, 201, and 203.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw



VICINITY MAP



ZONING MAP

SITE DATA:
 ZONING - R.O.
 ELECTION DISTRICT - 12
 AREA OF SITE - 0.128 ACRES (5500 SF)
 EXISTING USE - FLOREST SHOP
 PROPOSED USE - FLOREST SHOP

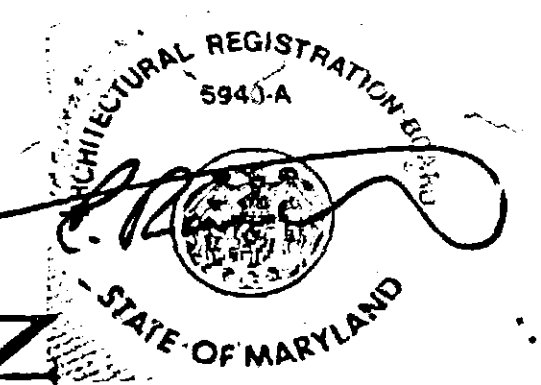
PETITIONER'S EXHIBIT 1

PARKING DATA:
 PARKING FOR 240 SF FLOOR - 1200 SF
 PARKING FOR 240 SF FLOOR - 1200 SF
 PARKING FOR 240 SF FLOOR - 1200 SF
 TOTAL PARKING REQUIRED - 3600 SF
 TOTAL PARKING PROVIDED - 3600 SF

SITE PLAN

RANDY KUSER Architect AIA

622 Regester Ave.
 Baltimore Maryland 21212
 Tele. 377-9609
 REVISION 11/82



RAYMOND'S FLORIST ADDITION

7224 Eastern Blvd.
 Baltimore Maryland 21224